

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Deutsche Bank National Trust Company)
as Trustee for Soundview Home Loan Trust)
2006-1 Asset-Backed Certificates, Series 2600-1,)

Plaintiff,

V.

Helen Valencia Thomas, Corporate Person,)
 Washington-Thomas, Helen Valencia, all natural)
 person; Darrel Antonio Thomas, Corporate Person,)
 Thomas, Darrel Antonio, all Natural Person,)

Defendants.

C/A NO. 3:15-0023-CMC-SVH

OPINION and ORDER

This matter is before the court on Defendants' *pro se* Notice of Removal filed in this court on January 5, 2015.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(e), DSC, this matter was referred to United States Magistrate Judge Shiva V. Hodges for pre-trial proceedings and a Report and Recommendation (“Report”). On January 16, 2015, the Magistrate Judge issued a Report recommending that the matter be remanded to the Richland County Court of Common Pleas as this court lacks subject matter jurisdiction. The Magistrate Judge advised the Defendants of the procedures and requirements for filing objections to the Report and the serious consequences if they failed to do so. Defendants filed objections to the Report on January 28, 2015.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by

the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

The court has conducted a *de novo* review of the record, the applicable law, the Report and Recommendation of the Magistrate Judge, and Defendants' objections. The court agrees with the conclusions of the Magistrate Judge. Accordingly, the court adopts and incorporates the Report and Recommendation by reference in this Order.

Defendants' objections seek to establish subject matter jurisdiction by providing a ground for removal other than that provided in the original Notice of Removal. However, "[c]ourts have no discretion to permit amendments furnishing new allegations of a jurisdictional basis." *Wood v. Crane Co.*, 764 F.3d 316, 323 (4th Cir. 2014). Accordingly, this matter is remanded to the Richland County Court of Common Pleas. The Clerk shall ensure that a copy of this Opinion and Order is served on counsel for Plaintiff.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
SENIOR UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
February 3, 2015